

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, *ex rel.* : 17cv7986 (DLC)
GEORGE MARKELSON, as Executor of the :
Estate of STEPHEN MARKELSON, Deceased, : ORDER
and PETER NADLER and LORRAINE WATERS, :
:
Plaintiffs, :
-v- :
:
DAVID B. SAMADI, M.D., DAVID B. :
SAMADI, M.D., P.C., LENOX HILL :
HOSPITAL and NORTHWELL HEALTH, INC., :
:
Defendants. :
:
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DENISE COTE, District Judge:

A Scheduling Order of January 27, 2020, required plaintiff-relators, George Markelson, Peter Nadler, and Lorraine Waters ("Relators") to respond by February 1, 2020 to the January 22 motion to dismiss filed by defendants David B. Samadi, M.D. and David B. Samadi, M.D., P.C.'s (together, "Samadi"). On February 19, the Court granted the parties' request to extend this deadline to March 20, advising the parties that no further extensions of the March 20 deadline would be granted unless the Relators and Samadi signed an agreement in principle.

On March 19, the parties requested an extension of the March 20 deadline to April 3, stating that they had agreed to a written settlement agreement and hoped "the stipulation and notice of dismissal [would] be filed sometime next week," once

they had received the Government's approval. On March 20, the Court granted the request for the extension.

On April 1, the Government informed the Court that it had reviewed and consents to the "fully executed settlement agreement" between the Relators and Samadi. The Government further stated that it consents to dismissal of the action. On April 2, the Court ordered the parties to submit a proposed final judgment by April 10. Later that day, the Relators and Samadi filed a letter with the Court requesting a further extension of the April 3 deadline to respond to the January 22 motion to dismiss. They requested an extension until May 1, stating that they expect to "be able to complete the steps precedent to the Plaintiffs' filing their notice of voluntary dismissal" within this time.

Given these delays and the representations made in the past to this Court by the parties, it is hereby

ORDERED that the request to extend to May 1 the deadline to respond to the January 22 motion to dismiss is denied.

IT IS FURTHER ORDERED that by **April 10, 2020**, the parties shall file a proposed final judgment. If no proposed final judgment is filed, Relators shall respond to the January 22

motion to dismiss by **April 10**. If no response is filed by April 10, the motion to dismiss shall be treated as unopposed.

Dated: New York, New York
April 3, 2020

Denise Cote
DENISE COTE
United States District Judge